

Civic Community Monthly Meeting November 5, 2013

Meeting Convened at 7:02 P.M.

Attendance: Ron Mick (acting as representative for the Arden Club), Mick Fitzharris, Tom Wheeler, Rodney Jester, Ed Rohrbach, Valerie Hutchinson

Memorial Gardens:

Rodney provided copies of letter dated October 6, 2013 sent to Arden Club from Arden Civic Committee Re: Deck encroachment (copy following minutes)

Tom handed out copies of the following: Arden Memorial Garden survey and Arden memorial Garden history provided by Ruth Bean, Gild Hall Mortgage inspection Plan A.E.S surveyors 2126 The Highway Lot 118. (Copies follow the minutes).

Issue: Memorial Garden is approaching capacity.

Ed started mapping graves sites in 1995 and at that time there were 109 graves. As of today as far as he knows there are 248 graves. (Ruth records reflect 272 graves. The difference is some stone have two people rather than one. There are 248 stones but 272 graves.) That means the memorial garden is filling up quickly. Rodney thought that the Chestnut Grove is the extension of the memorial garden. Ed believes that land is not large enough and it is too low lying to support graves.

Issue: Stage built on municipal property

Rodney went over the survey map of the Memorial garden with Ron Mick. He pointed out the back property line of the Arden club showing where the two interments are located just inside the property line and asking to move them back out. Showing the new stage is on municipal property. The large maps show it goes in a straight line to Pond Lane. No matter what percentage of the new stage is on the municipal property it is still encroachment.

Recommendation:

Temporary Stage with letter of indemnity

Rodney thinks a temporary stage (along with a letter of indemnity) that can be set up and taken down as needed would be a possible solution because the town always gives permission to use town land whenever it is reasonable for weddings, parking, and Arden Fair or BWVC events. Permanent structure has legal liability consequences. Ed said whatever agreement is reached, it must be revocable. Ron Mike believed the three Trustees gave their approval to build the stage. Rodney said they could not obtain a building permit and a site plan without the approval of the Trustees and Rodney verified with Mike Curtis, Trustee, that the trustees did not give their approval.

Tom: If there is a permit and if you can produce it then we have another discussion. If you have an illegal structure why would your insurance support it? There was no building permit. No inspections.

Defined as Stage or Deck?

Stage: unlimited requirements must be met including it must be fireproof. No railing? There are inspections that must be followed per the county code.

Obtain a new survey with pins (with permanent markers).

Tom: the Arden club had a survey in 2007 clearly define the Arden Club property line but he believes there were no pins (permanent markers) because it is labeled 'mortgage' and this was not a transfer. The club was only interested in knowing where the land was and saving money.

Boulder

The firemen moved three boulders to accommodate parking for the Arden fair and there is still one more boulder that needs to be moved back (it is on Inn Ln). The Arden club is responsible. Ron Mike will inform the club.

Civic Committee meeting convened at 7:48 P.M.

Respectfully submitted

Elizabeth Resko

Ardent Town Secretary

THE HIGHWAY

PROPERTY ZONING: NC10
MINIMUM REQUIREMENTS: STREET YARD - 25', REAR YARD - 20', SIDE YARD - 8'

I HEREBY DECLARE THAT THE IMPROVEMENTS SHOWN HEREIN HAVE BEEN LOCATED AND LIE WITHIN THE LOT BOUNDARIES UNLESS SHOWN OTHERWISE.

- * THIS PLAN IS INTENDED FOR THE USE OF THE PARTIES INVOLVED WITH THIS LAND TRANSFER AND SHALL NOT BE REPRODUCED OR USED FOR ANY OTHER PURPOSE, INCLUDING ESTABLISHMENT OF PROPERTY LINES, WITHOUT WRITTEN CONSENT OF THE PARTY RESPONSIBLE FOR ITS CONTENTS. * FENCES, TREES, LANDSCAPING OR OTHER FEATURES HAVE NOT BEEN LOCATED UNLESS SHOWN AND DIMENSIONED.
- * PROPERTY MARKERS WERE NOT SET UNLESS INDICATED. * PROPERTY IS SUBJECT TO ANY AND ALL RESTRICTIONS AND EASEMENTS OF RECORD.

UNLESS THIS PLAN HAS AN IMPRESSED SEAL IS NOT AN AUTHORIZED REPRODUCTION OF THE ORIGINAL.

PROPERTY TO BE CONVEYED TO:
TRUSTEES OF ARDEN

3911 OLD CAPITAL TRAIL - WILMINGTON, DE 19808 Phone: 302-983-1058, Fax: 302-983-1061

DATE 2-11-07 JOB # 270419

| DEED REF. | PLAT REF. |
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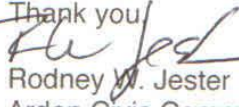
Copy for Civic files

October 6, 2013

From: Arden Civic Committee
To: The Arden Club

The Memorial Garden lands are now under the oversight of the Arden Civic Committee, and it has come to our attention that the deck that was recently built encroaches on a substantial portion of Arden Municipal land. It was constructed without permission and obviously without a New Castle County permit, which would have insured that it was properly located and safely constructed. This places The Village of Arden in the dangerous position of being sued if anyone is injured on that part of the deck that is encroaching on Town land. It is the opinion of the Civic Committee that it is our job to protect the Village of Arden from any legal issues stemming from the illegal construction of this deck. We therefore request that a letter from the Arden Club be sent immediately indemnifying the Village of Arden from any damages to persons or property in regard to the use of this deck. It is our opinion that the Arden Club and the Civic Committee should meet to find a solution to this issue as soon as possible.

We would like to have this issue resolved before the next Town Meeting so the resolution can be presented, explained and voted on if necessary.

Thank you,

Rodney M. Jester
Arden Civic Committee
Village of Arden

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

WILMINGTON DE 19810

| | | |
|---|----|--------|
| Postage | \$ | \$0.46 |
| Certified Fee | | \$3.10 |
| Return Receipt Fee (Endorsement Required) | | \$2.55 |
| Restricted Delivery Fee (Endorsement Required) | | \$0.00 |
| Total Postage & Fees | \$ | \$6.11 |

Sent To _____
Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

955E 692T 2000 060E 0T02

10710 PM 1 2 3 4 5 6 7 8 9 10 11 12
OCT 08 2013
10/08/2013

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
Arden Club
2126 The Highway
Arden De, 19810


2. Article Number
(Transfer from service label)
7010 3090 0002 1789 3556

PS Form 3811, February 2004 Domestic Return Receipt

3. Service Type
☐ Certified Mail
☐ Registered
☐ Insured Mail
☐ Express Mail
☐ Return Receipt for Merchandise
☐ C.O.D.
☐ Restricted Delivery? (Extra Fee) ☐ Yes

4. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X 

B. Received by (Print Name)
Rodney M. Jester

C. Date of Delivery
10/08/2013

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

USPS 19809 955E

102595-02-M-15-10

The present representative inherited the position when Ethel Monfort died in September of 1993 after a tenure of over twenty years. Since then the number of gravesites has grown to 190. The community Planning Committee and the representative authorized some physical changes in the following years. A yew hedge which divided the garden was removed adding considerable area for potential burials, and much enhancing the view. The installation of two stone benches invites people to come and enjoy the peaceful surroundings. We have replaced cherry trees, originally planted in memory of early Arden residents and also added a few other specimens in memory of others. We have tried to update the labeling of trees (much more needs to be done) in order to create A "mini arboretum".

The annual clean-up still provides an all over feeding, pruning, weeding and feeding each spring. Volunteers are asked to work for about three hours, and this year we had a crew ages from two to eighty five. We have also had to utilize some professional help since more and more of the families of the deceased live far from Arden and cannot care for the gravesites of their loved ones. We usually get contributions to comfortably cover these expenses.

It has also become important to formalize some of the record-keeping, which had been very casual in the past. We now have a computer list of all deceased and their next of kin. This has made it possible to keep families informed of changes in the gardens, in Arden and of events like the Annual Spring Remembrance Day.

16-4-13
We have 272 graves excluding the
Grubb plot. We also keep a list of
next of kin + contact them yearly
which is why we get many contributions.
All contributions are deposited in Town
funds under "Mem Gdn".

September 19th 2012

It has been some time since I wrote a report to the Community Planning Committee. When I took over in 1993, after Ethel Montfort's tenure of over twenty years, I asked that the committee renew my position (or not renew) every four years. The last time I remember coming to the committee for this I also asked that they accept Barbara Henry as the alternative representative, which was agreed. The two of us with the assistance of Cynthia Dewick when needed, have been functioning very harmoniously. We are trying to keep careful records of both the deceased and the next of kin. The map of the Garden is in the process of being brought up to date. This is not an easy job since our cemetery is not in straight rows. However we have I believe been able to maintain the peaceful atmosphere of the Memorial Garden and try to maintain the beautiful, and in some cases rare, trees.

As of August 2012 we have 260 burials. Some of the burials are under one stone. I will pass a copy of the rules of the Memorial Garden to each of you.

As of today our expenses from November 12th 2011 were \$5447.07. These were To cover maintenance by Bartlett Tree Co. and general a upkeep as well as mailing costs for the annual Clean-up in the Spring. Our donations for the same dates were a total of \$3270. At the June Town Meeting we were listed as having a balance of \$7971.

We have always come to the committee for any expenditures higher than \$1000, but reading the Village Financial Policy I would like some clarification.

If you have any questions, we will try to answer them.
Ruth Bean

MEMORIAL GARDEN REPRESENTATIVE'S RESPONSIBILITIES 94.1.3

1. Determine eligibility of applicants, seeking assistance from the Community Planning Committee as needed.
2. Liaison with the Community Planning Committee through the Back-up Representative, who is a member of the committee, or the committee as a whole—as needed.
3. Liaison with the Civic Committee concerning routine maintenance.
4. Make reports to Town Assembly as needed.
5. Provide copies of the Memorial Garden rules to survivors and funeral directors and interested residents. Assist current and former Arden residents with questions about the Memorial Garden and about pre-planning burials.
6. Monitor all burial arrangements to ensure compliance with the Memorial Garden rules, including the marking of all new burials.
7. Monitor grave decorations to ensure conformance with long-range plans.
8. Notify Community Planning Committee of major repair or other maintenance. Supervise all work.
9. Receives donations for the Memorial Garden and maintains the Memorial Garden Fund account, and reports these matters to the Community Planning Committee.
10. Assist in the development and implementation of long-range plans for the Garden, including oral histories or other archives, a map or site plan, computerized records of burials and special plantings, and contact files on available contractors, excavators, funeral directors, and marker makers.
11. Maintain files of burials, survivors, funeral directors, crematoria, maintenance programs and costs, and long range plans.
12. Share files as needed with the back-up representative.
13. Have telephone answering system or service to ensure coverage and accessibility.

Back-up Representative's Responsibilities

1. Handles all Representative's responsibilities when that person is not available.
2. Report any action taken in the Representative's absence.
3. Maintain back-up copies of essential files.
4. Have telephone answering system or service to ensure coverage and accessibility. A

Revised 11/10/93. 1-3-94

ARDEN MEMORIAL GARDEN RULES

The Memorial Garden, started in 1937, is Arden's private cemetery, located on the south side of Harvey Road next to the old Grubb family burial ground. The Community Planning Committee administers the Memorial Garden through an appointed volunteer Memorial Garden Representative.

ELIGIBILITY

- Residents of the Village of Arden are eligible for burial in the Memorial Garden.
- Former residents of Arden may be considered for burial on a case-by-case basis.
- Ashes of a non-resident spouse, next-of-kin, or domestic partner may be buried in the same gravesite as that of an eligible individual. Requests will be handled on a case-by-case basis.
- Residency is determined by the current Registration Committee criteria.

APPLICATION FOR SITE

- Survivors may apply through the Memorial Garden Representative for a site in accordance with the long-term plans for the Garden and the survivor's agreement to abide by the rules governing the Garden.
- Given the space limitations of the Memorial Garden, burial of ashes is encouraged, but whole body burials may be accepted. Plots for ashes are a maximum of two feet by two feet, while whole body plots conform to the size of the coffin.
- The Memorial Garden Representative will make all final decisions on burial applications with the concurrence of the Community Planning Committee.
- Copies of these rules will be furnished to the survivor(s) at the time of selection.

BURIAL

Before excavation, the funeral director or survivor(s) must make detailed arrangements with the Memorial Garden Representative.

- Any damage done to other gravesites or to the Garden in general must be repaired immediately and approved by the Memorial Garden Representative.
- If a coffin is used, a concrete vault must be provided to meet current New Castle County code.
- A firmly embedded, flush-mounted marker must be provided for each grave. The funeral director or the Memorial Garden Representative shall provide a temporary marker if needed.
- The names and addresses of next-of-kin shall be provided to the Memorial Garden Representative in order to keep records up-to-date.
- A death certificate, or certification of cremation, must be given to the Memorial Garden Representative.
- Pre-planning of burials may be arranged with the Memorial Garden Representative. Specific sites may not be reserved, but consideration will be given to area preferences.

DECORATIONS

- *No artificial flowers or unauthorized permanent plantings are allowed.* Memorial plantings may be considered with authorization by the Memorial Garden Representative.
- Grave decorations must be removed promptly by the donor when no longer attractive. The Arden Civic Committee handles routine mowing of the Memorial Garden. Survivors and volunteers do maintenance of individual graves.

FEES AND DONATIONS

- There is no set fee for burial sites; however, we do expect a donation at the time of burial for maintenance of the Garden. All donations are tax deductible. **Please make checks payable to the Arden Memorial Garden Fund**, and send them to the Memorial Garden Representative.

MEMORIAL GARDEN REPRESENTATIVES

- Ruth Bean, 2123 Meadow Lane, Arden, DE 19810-4140 • (302) 475-6140
- Barbara Henry • (302) 745-0998

